

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NAKANO et al.
Application No.: 10/660,710
Filed: 9/12/2003
Title: ELECTRIC CAMERA
Art Unit: 2622
Exr.: Nguyen
CONF. No.: 7646

RESPONSE

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are in response to the Notice of Non-responsive Reply ("the Notice") dated February 5, 2009. In the Notice, the Examiner asserts that the applicants have not "resolved" the 35 U.S.C. § 112, first paragraph rejections of claims 10-21. The Applicants respectfully traverse both the Notice, and the rejections. The Applicants respectfully request that the amendment of Nov. 11, 2008 be entered into the record, that the 35 U.S.C. § 112, first paragraph rejections be withdrawn, and that the claims be allowed.

The originally filed specification at page 6, which corresponds to paragraph [0014] of the patent application publication 2004/0046884, provides one example of support for independent claims 10 and 11 in the specification. Paragraph [0014] recites (emphasis added):

According to one aspect of this invention, the electric camera to realize the above objectives has: an image sensing device with a light receiving surface having N vertically arranged pixels and an arbitrary number of pixels arranged horizontally, N being equal to or more than three times the number of effective scanning lines M of a display screen of a television system; a driver to drive the image sensing device to vertically mix or cull signal charges accumulated in individual pixels of every K pixels to produce a number of lines of output signals which corresponds to the number of effective scanning lines M, K being at least one of integers equal to or less than an integral part of a quotient of N divided by M; and a signal processing unit to generate image signals by using the output signals of the image sensing device.

In addition to the originally filed specification providing support for the cited features of independent claims 10 and 11, the originally filed claims themselves provide support for these features. These features were not been amended in the proposed amendment filed on Nov. 10, 2008, and remain as originally filed. Therefore, a rejection on the basis of 35 U.S.C. § 112, first paragraph for “lack of support” is improper. See MPEP § 608.04(a).

The Applicants refer the Examiner to MPEP § 2163.06 (III), which says: “[t]he claims as filed in the original specification are part of the disclosure and therefore, if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter.” In re Benno, 768 F.2d 1340, 226 USPQ 683 (Fed. Cir. 1985).

The Applicants therefore respectfully request that the amendment of Nov. 11, 2008 be entered into the record, that the 35 U.S.C. § 112, first paragraph rejections be withdrawn, and that the claims be allowed. If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants’ undersigned attorney at the number indicated below.

500.38315VX2

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Docket No. 500.38315VX2), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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